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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,639	08/20/2001	Raymond T. Hsu	010498	6691
23696	7590	09/28/2005	EXAMINER	
Qualcomm, NC			DUONG, DUC T	
5775 Morehouse Drive				
San Diego, CA 92121			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	Applicant(s)	
09/933,639	HSU, RAYMOND T.	
Examiner	Art Unit	
Duc T. Duong	2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 11 July 2005.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-15 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding to claims 1, 5, 7, and 12-15, there does not appear to be a written description of the claimed limitation **“the portion of internet protocol (IP) packet is of one type”**. The examiner found no such reference to the claimed limitation in the specification. Thus, the applicant has amended the claims by adding new matters.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Ahmadvand et al (US Patent 6,542,490 B1).

Regarding to claims 1, 12, and 14, Ahmadvand discloses an apparatus 100 for framing packets in wireless transmission system (fig. 1), the apparatus comprising means 71 for generating a portion of an Internet Protocol (IP) packet 45 for transmission (fig. 3-4 col. 7 lines 12-13), the portion of internet protocol (IP) packet is of one type (col. 7 lines 11-17; the IP packet is one of QoS type); means 73 for appending a start of frame indicator 75 to the portion of the IP packet 45 (fig. 3-4 col. 7 lines 52-55); means 73 for applying an error checking 16b mechanism to the portion of the IP packet 45 (fig. 3-4 col. 8 lines 1-3); means 73 for preparing a frame 74 for transmission, having the start of frame indicator 75, the portion of the IP packet 46, and the error checking mechanism 16b (fig. 3-4 col. 7 lines 60-65); and means 73 for transmitting the frame 77 without protocol information (fig. 3-4 col. 8 lines 3-5; noted transmitting the frame without the control field read on transmitting the frame without the protocol information).

Regarding to claim 5, Ahmadvand discloses a communication signal transmitted via a carrier wave, comprising a payload portion 46 corresponding to at least a portion of an Internet Protocol (IP) packet 45 of digital information (fig. 4 col. 7 lines 12-13); a start of frame portion 75 corresponding to the payload portion, and identifying a status

of the payload to the portion within an IP packet 45 (fig. 4 col. 7 lines 52-55); an error checking portion 16b for verifying the payload portion (fig. 4 col. 8 lines 1-3).

Regarding to claims 7, 13, and 15, Ahmadvand discloses an apparatus 100 for framing packets in wireless transmission system (fig. 1), the apparatus comprising means 73 for receiving a frame 77 of a packet transmission, the portion of the frame is of one type (col. 7 lines 57-60; the frame is one of CoS type), the frame 77 having a start of frame portion 75, a payload portion 46, and error checking portion 16b, the frame 77 not including protocol information (fig. 3-4 col. 8 lines 1-5; noted the frame 77 does not include the control field, and thus read on the frame without the protocol information); means 73 for identifying the frame 77 as a start frame 75 in the packet transmission (fig. 3-4 col. 7 lines 52-55); means 73 for verifying the frame 77 using the error checking portion 16b of the frame 77 (fig. 3-4 col. 8 lines 1-3); means 71 for processing the payload portion 46 of the frame 77 (fig. 3-4 col. 7 lines 12-13).

Regarding to claims 4 and 11, Ahmadvand discloses the error checking mechanism is a frame check sequence 16b (fig. 4 col. 8 lines 1-3).

Regarding to claims 2 and 8, Ahmadvand discloses the start of frame indicator 75 is a predetermined sequence of bits (fig. 4 col. 7 lines 52-55), and wherein if the payload portion 46 contains the predetermined sequence of bits, the payload portion further 46 includes a classifier (bit stuffing) to identify the predetermined sequence of bits in the payload (fig. 4 col. 7 lines 66-67 and col. 8 line 1; noted it is inherent in the HDLC protocol, bit stuffing ('0') is applied to the payload 46 if a predetermined

sequence of bits (five consecutive '1') in the payload 46 match with the predetermined sequence of the flag 78).

Regarding to claims 3 and 9, Ahmadvand discloses the classifier correspond to an escape character (col. 7 lines 66-67 and col. 8 line 1; noted a bit '0' representation read on an escape character).

Regarding to claim 6, Ahmadvand discloses the start of frame portion 75 is a predetermined sequence of bits (fig. 4 col. 7 lines 52-55), and wherein if the payload portion 46 contains the predetermined sequence of bits, the payload portion further comprises a classifier portion (fig. 4 col. 7 lines 66-67 and col. 8 line 1; noted it is inherent in the HDLC protocol, if a predetermined sequence of bits (five consecutive '1') in the payload 46 match with a predetermined sequence in the flag 78, a bit stuffing (classifier or '0') is applied to the payload 46).

Regarding to claim 10, Ahmadvand discloses identifying the classifier in the payload 46, and processing the payload 46 without the classifier (fig. 4 col. 7 lines 66-67 and col. 8 line 1; noted it is inherent in the HDLC protocol, when processing a frame if a '0' (classifier) is detected following a predetermined sequence of bits (five consecutive '1') in the payload 46, the '0' (classifier) will be remove or discard).

#### ***Response to Arguments***

5. Applicant's arguments filed July 11, 2005 have been fully considered but they are not persuasive. Regarding to applicant's argument on pages 11-13, Ahmad fails to teach "the portion of internet protocol (IP) packet is of one type". In response, the examiner would like to point applicant to col. 7 lines 11-17. Herein, Ahmed discloses

the IP is of one type of a plurality QoS. Thus, Ahmed indeed discloses the limitation as claimed by applicant. Based on the reasons set forth the rejections are maintained.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 571-272-3122. The examiner can normally be reached on M-F (9:00 AM-5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DD  
DD

  
RICKY NGO  
PRIMARY EXAMINER

9/17/05